Calendar No. 122

102D CONGRESS *1st Session*	SENATE	REPORT 102-83

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT OF 1991

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 1012

JUNE 17 (legislative day, JUNE 11), 1991.—Ordered to be printed

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Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 1012]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1012) to authorize appropriations for the activities and programs of the National Highway Traffic Safety Administration, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

This bill would reauthorize appropriations for the National Highway Traffic Safety Administration (NHTSA), including funding for its operations and research and its grants to the States for highway safety and prevention of impaired driving. It also would establish certain priorities for the agency's operations in promulgating safety standards for motor vehicles and in preventing highway accidents.

BACKGROUND AND NEEDS

NHTSA is the branch of the Department of Transportation that has primary responsibility for developing and enforcing vehicle safety standards and administering highway safety programs, including prevention of impaired driving. Its duties also include providing information to consumers of vehicles, and administering corporate average fuel economy (CAFE) standards. NHTSA has a vital safety role because over 94 percent of those who die in transportation accidents are killed in highway crashes. During the next 10

years, roughly 500,000 people will be killed and 5.2 million will be hospitalized because of highway crashes. In 1985 dollars, these crashes will mean $750 billion in economic losses to our country. Thus, much work remains to be done in the area of highway safety.

Despite the importance of NHTSA, no legislation reauthorizing this agency has been enacted since 1982. In the last 9 years, the Committee has reported four NHTSA-related bills. The full Senate has approved, without opposition, three of these bills. The Senate and the House have been unable to reach agreement concerning NHTSA legislation, however. In the 101st Congress, the Committee unanimously approved the NHTSA authorization bill, S. 673. The Senate then passed S. 673 by unanimous consent in August 1989, but the bill was never considered in the House.

For several years, testimony has been received by the Committee indicating that NHTSA has not acted rapidly enough in addressing certain serious safety problems through rulemaking and other means. Testimony to this effect continues to be received about certain areas of NHTSA's activity. However, since Senate passage of S. 673, NHTSA has completed some of the rulemakings that would have been required by that bill, thereby addressing some critical safety issues such as side impact protection and multipurpose vehicle safety and taking steps to reduce highway deaths and injuries significantly.

The reported bill includes the portions of S. 673 that still need to be addressed, including rulemakings on a variety of safety standards such as rollover prevention and additional protection against head injury in all vehicles. The bill also contains rulemaking provisions on some other safety issues, including antilock brakes and daytime running lights.

In addition, the bill contains funding authorizations for all NHTSA-administered programs, including its operations and research under the National Traffic and Motor Vehicle Safety Act of 1966 (Safety Act), the Motor Vehicle Information and Cost Savings Act (Cost Savings Act), and the National Driver Register Act of 1982. The bill also contains an authorization for expenditures to carry out programs administered by NHTSA and funded through the Highway Trust Fund, including incentive grants to States to promote highway safety (23 U.S.C. 402); research funding (23 U.S.C. 403); and an updated and streamlined program for impaired driving prevention, which will replace two current incentive grant programs which overlap to some extent (23 U.S.C. 408 and 410).

Legislative History

In the 99th Congress, the Commission held hearings on NTHSA on February 21, 1985, and December 11, 1986. On April 18, 1985, the Committee, without objection, ordered reported NHTSA authorization legislation, S. 863. S. 863 passed the Senate on May 15, 1986, and an amended version passed the House on October 6, 1986. The House and Senate were unable to reach agreement on the legislation before the end of the 99th Congress.

In the 100th Congress, the Committee conducted an authorization hearing on NHTSA on March 6, 1987. On March 24, 1987, the Committee, without objection ordered reported NHTSA reauthor-

ization legislation. Then the text of this reported bill was incorporated into S. 853, legislation introduced by Senator Gore on behalf of all the members of the Committee on March 26, 1987. S. 853 passed the Senate, as amended, by voice vote on April 24, 1987. It was referred to the House Committee on Energy and Commerce on April 28, 1987, but was not acted on by either the House Committee or the full House prior to the end of the 100th Congress.

In the 101st Congress, S. 673 was introduced on March 17, 1989. A hearing on the bill was held on April 5, 1989. An amended version of the bill was ordered reported by the Committee without objection on April 18, 1989. The bill, with amendments, passed the Senate by voice vote on August 3, 1989. It was referred to the House Energy and Commerce Committee, but was not taken up by either the Committee or the full House before the end of the 101st Congress.

In the 102d Congress, a hearing on NHTSA reauthorization was held on April 11, 1991, and S. 1012 was introduced by Senator Bryan, for himself and Senators Hollings, Danforth, Gorton, and McCain, on May 8, 1991. On May 14, 1991, in open executive session the Committee ordered reported S. 1012 as introduced without objection and subject to technical amendment.

Summary of Major Provisions

TITLE I—FUNDING LEVELS

Title I of the bill includes authorization levels for a number of NHTSA programs. The bill reflects the administration request for NHTSA authorizations for fiscal year (FY) 1992. Although the administration has not made a specific request for later fiscal years, the bill includes levels for those years equal to the FY 1992 request increased by the Congressional Budget Office CCBO inflation factor (1.038).

The bill authorizes $68,722,000 for FY 1992, $71,333,436 for FY 1993, and $74,045,106 for FY 1994 for implementing the Safety Act. Under that Act, NHTSA is supposed to establish safety standards for vehicles and conduct defect investigations and recalls.

In addition, the bill authorizes $6,485,000 for FY 1992, $6,731,430 for FY 1993, and $6,987,224 for FY 1994 to implement the Cost Savings Act requirements. The Cost Savings Act requirements include enforcement of bumper standards, providing information about the crashworthiness of vehicles, enforcement of the prohibition against odometer fraud, and development and enforcement of CAFE requirements.

Also, the bill authorizes $6,131,000 for FY 1992, $6,363,978 for FY 1993, and $6,605,809 for FY 1994 to implement the National Driver Register Act. Under that Act, NHTSA is to work with the States to develop a nationwide computer network for sharing information about problem drivers (e.g., suspended licenses, drunk driving convictions, and reckless driving convictions).

The bill proposes a FY 1992 authorization of $45,869,000 for the program carried out under section 403 of title 23, U.S. Code. The authorization level for this program would remain the same for FY 1993 through 1996. This authorization level was not adjusted for inflation in the outyears because the administration request of $45.87

million represents a substantial increase from the FY 1991 appropriated level of $33 million. A five-year authorization is provided for this program since it is funded through the Highway Trust Fund—the various programs funded from the Highway Trust Fund have historically been authorized for 5-year periods, and current Trust Fund authorizations expire at the end of FY 1991.

Section 403 provides to the States highway safety grants which have been used, among other purposes, to train police in metropolitan areas to detect drug-impaired drivers. It also is used in part to fund research directed by NTHSA, including funding for research into Smart Car/Smart Highway Systems in which computers assist in interaction between vehicles and highway situations to prevent accidents.

The bill also contains a FY 1992 authorization of $126 million from the Highway Trust Fund (except the Mass Transit Account) for the program carried out under section 402 of title 23, U.S. Code. The authorization level is increased by the CBO inflation factor for FY 1993 through 1996. The 5-year authorization is provided for purposes of consistency with other Highway Trust Fund authorizations. This program provides technical assistance to States that conduct highway safety programs in areas such as emergency medical services and trauma care systems, enhanced traffic records systems and safety belt and child safety seat usage.

The section 402 authorization amount is equal to the FY 1991 appropriation. The administration is requested $115 million for this program, which is lower than the FY 1991 appropriation level due in part to the administration's proposal to create a safety bonus program that would be funded at $50 million annually. Under the administration's proposed program, States that take certain safety measures (e.g., mandatory seat belt and motorcycle helmet laws) can receive additional moneys that could be spent on safety or highway construction projects. The Committee believes that the section 402 program has been effective, and that the current level of funding should remain available for the States for safety purposes rather than permitting possible diversion of some of these funds to construction purposes.

The administration also has proposed elimination of the existing Federal programs directed at drunk driving and making drunk driving efforts one of the possible focal points of the new safety bonus program. The Committee believes that incentive grant programs focused solely on impaired driving prevention are important to highway safety and should be maintained. (This is discussed in more detail under "Title III—Impaired Driving Enforcement.")

TITLE II—VEHICLE SAFETY IMPROVEMENTS

Title II of the bill contains a number of priority items for NHTSA to improve vehicle safety. Many of these suggested improvments have been approved previously by the Committee and the Senate as part of NHTSA reauthorization bills in the 98th, 99th, 100th, and 101st Congresses.

1. SIDE IMPACT PROTECTION.—According to NHTSA, each year 9,000 Americans are killed in side-impact crashes. In 1979, NHTSA initiated a rulemaking to improve its side-impact standard. The ex-

isting standard was inadequate because it called for a small door beam that did not protect occupants in vehicle-to-vehicle crashes. In September 1990, NHTSA took a major step toward completing this rulemaking by announcing a modification to the passenger car side-impact protection standard designed to prevent pelvic and torso injuries. NHTSA has not completed a modification to the standard that would prevent head injuries from side impact, which account for 50 percent of side-impact deaths. The bill requires that NHTSA conduct a rulemaking on reducing head injuries from side impact.

Additionally, there currently is no side-impact standard for multipurpose passenger vehicles (MPV's), which include pickups, minivans, and four-wheel drive vehicles. The bill includes a provision from Committee-passed NHTSA bills in the 100th and 101st Congresses that would require the development of a side-impact standard for these vehicles which ultimately will provide protection consistent with that available in passenger cars.

2. CONSUMER CRASHWORTHINESS INFORMATION.—The bill contains a requirement that NHTSA develop, to the extent possible, and make available to consumers, data to permit comparison of the crashworthiness of different vehicles.

3. PROCEDURAL MATTERS.—The bill requires NHTSA to establish procedures for monitoring compliance with safety standards and determining whether to seek civil penalties. It also provides NHTSA with additional authority to ensure the effectiveness of recalls of defective vehicles, including the authority to require issuance of a second recall notice and to insure the effective recall of leased vehicles.

4. MPV SAFETY.—MPV's include light trucks, minivans, and jeeps. They account for about one-third of the passenger vehicle market. For many years they were not required by NHTSA to meet many of the passenger car safety standards. During the past year, NHTSA has taken some action in this area, requiring the following safety improvements that would have been required under earlier legislation: (1) head restraints which prevent head and neck injuries; (2) three-point belts for rear seat passengers; (3) the passive restraint rule, which requires the vehicles to be equipped with either automatic seatbelts or airbags; (4) high, center-mounted rear brake lights; and (5) minimum roof crush resistance.

The bill requires that NHTSA continue its progress in safety standards for these vehicles. It includes requirements that NHTSA (1) establish a rollover prevention standard for both cars and MPV's; and (2) conduct a rulemaking to review its system of classification of vehicles under 10,000 pounds. The changing use pattern of MPV's suggests the need for a clearer definition of what is an MPV and what is a passenger car.

5. BUMPER IMPROVEMENTS.—The bill contains two requirements related to automobile bumpers. First, it requires bumpers to withstand a collision at 5 miles per hour (MPH) without significant damage to the vehicle or its safety features. In 1982, NHSZTA lowered its standards for bumpers from 5 mph to 2.5 mph. Second, the bill would require that vehicles be labeled with information to permit consumers to compare the crashworthiness of bumpers of different vehicles.

6. CHILD BOOSTER SEATS.—This provision requires NHTSA to complete a rulemaking, within stated time limits, to increase the safety of child booster seats, platforms that enable toddlers and older small children to use a seatbelt. There have been suggestion that these seats, depending on their design, can be easily misused or are otherwise harmful.

7. AIRBAGS.—The bill includes two provisions concerning airbags. First, it contains the provisions of S. 591, introduced earlier this year by Senator Bryan, for himself and Senators Hollings, Danforth, Gorton, and Adams. This legislation would require the installation of airbags in all passenger cars and light trucks, which include minivans, four-wheel drives, and pickups, on a phased-in schedule beginning on and after September 1, 1995. Testimony received at a March 1991 hearing on S. 591 was unanimous that airbags, together with manual seatbelts, provide the best occupant protection in a crash. Manufacturers testified at that hearing that they plan to install airbags in the vast majority of their vehicles during the 1990's. Current NHTSA rules permit manufacturers to install either an automatic seatbelt (which is often disconnected or may not function properly) or an airbag.

Second, the bill contains a provision to require the installation of airbags in federally purchased vehicles. Beginning after September 30, 1991, the Federal Government would be required, to the extent practicable, to purchase vehicles with driver-side airbags. Beginning with MY 1994 vehicles, federally purchased vehicles would have both driver- and passenger-side airbags.

8. STATE MOTOR VEHICLE INSPECTION PROGRAMS.—This provision would require regular reporting to NTHSA to Congress on its efforts to assist States in establishing effective vehicle safety inspections programs, and to coordinate with the Environmental Protection Agency (EPA), which will be overseeing establishment of emissions inspection programs in nonattainment areas. S. 673 from the 101st Congress required a National Academy of Sciences study of inspection programs, but in the interim the General Accounting Office (GAO) has issued a report confirming the value of inspections in preventing accidents, so that a study is no longer necessary.

9. DARKENED WINDOWS.—The bill requires a rulemaking by NHTSA to consider the effect on highway safety and the safety of law enforcement personnel of the use of dark-tinted window glass in vehicles. S. 673 from the 101st Congress required a study of this issue, which was completed in March 1991, and which indicates that a rulemaking on the issue is warranted.

SEATBELT AND CHILD SAFETY SEAT INCENTIVES.—This provision would establish a grant program for the States, funded through appropriations, to encourage the States to reach an increasing level of seatbelt usage (initially 70 percent or a 20-percent increase over 1990 levels), and develop educational programs about the correct use of child restraints. Funding would be authorized for a total of $50 million over a 3-year period.

11. HEAD INJURY PREVENTION.—According to the National Head Injury Foundation, each year between 400,000 and 500,000 Americans suffer head injuries in automobile crashes, and over 50,000 of these head injury victims are permanently disabled. An airbag can

eliminate head injuries resulting from frontal crashes. Even if all cars were equipped with airbags, however, head injuries still will occur from rollover and side-impact crashes. NHTSA's own research indicates that many of these head injuries could be prevented if additional padding were placed in the interior parts of the car. The bill would require a rulemaking on methods of reducing head injuries from contact with the car's interior.

12. PEDESTRIAN SAFETY.—Between 7,000 and 9,000 Americans are killed annually in pedestrian crashes. Since 1981, NHTSA has done considerable research on reducing pedestrian injuries. It has identified sources of pedestrain injuries (e.g., sharp vehicle parts placed just under the hood) and design changes that would minimize these injuries. NHTSA has not conducted any rulemaking on the basis of this research, however. The bill would require NHTSA to complete a rulemaking within 2 years on reducing pedestrian injuries resulting from vehicle design.

13. DAYTIME RUNNING LIGHTS.—There is evidence from the experience in Sweden, Finland, and Canada, where such lights are required to be used, that they are effective in reducing accidents. The bill addresses this issue in two ways. First, it provides for a NHTSA rulemaking to authorize passenger vehicles to be equipped with daytime running lights, notwithstanding any State law that affects the use of such lights. Some State laws on headlight configuration unintentionally limit the use of such lights. General Motors has filed a petition with NHTSA requesting that vehicles be allowed to operate with such lights. The rulemaking directed by the bill would resolve the issue. Second, the bill would require the Secretary of Transportation (Secretary) to submit a report to Congress on the safety implications of the use of such lights in the United States, including a recommendation on whether they should be required equipment.

14. ANTILOCK BRAKES.—These brakes greatly increase the ability of a vehicle to stop in a short distance and in a straight line. They are especially effective in wet, snowy, or icy conditions. Currently, antilock brakes are available only on some pickup trucks and luxury models. The bill contains a provision requiring NHTSA to conduct a rulemaking on whether antilock brakes should be required in passenger cars and MPV's.

15. HEADS-UP DISPLAYS.—These displays can project speed, fuel, and other instrument readings onto the lower part of the windshield, which enables the driver to check readings without looking down. Some believe that this type of display can enhance safety because accidents could occur while a driver is checking instruments. The bill would require a NHTSA rulemaking to consider the establishment of a standard requiring heads-up displays.

TITLE III—IMPAIRED DRIVING ENFORCEMENT

Background

There currently are two NHTSA-administered grant programs to assist the States in preventing impaired driving: section 408 of title 23, U.S. Code; and section 410 of title 23, U.S. Code. Section 408 was enacted in 1982, and provides grants to States that enact various laws to prevent drunk driving, including prompt license sus-

pension, a 0.10 blood alcohol content (BAC) intoxication standard, and mandatory jail time or community service for the second drunk driving offense. To date, 25 States have qualified for such grants.

In 1988, Congress enacted the section 410 program, which provides additional grant money for States that establish a self-supporting prevention program, and adopt a law that allows immediate confiscation of a drunk driver's license at the point of arrest, to be followed by an administrative hearing on the matter within 30 days. Section 410 also contains supplemental criteria for which States may receive additional grants. To date, no State has qualified for section 410 grants.

The administration has proposed elimination of the section 408 and section 410 drunk driving programs. It also has proposed that, in the future, there would be no distinct antidrunk driving program, but rather a "safety bonus program" whereby States could receive grants for taking various safety steps, such as enacting mandatory seatbelt laws and motorcycle helmet laws, as well as drunk driving prevention measures. This bonus money also could be used for highway construction purposes.

Uncontroverted testimony was received by the Committee from Mothers Against Drunk Driving (MADD) and the National Association of Governors Highway Safety Representatives pointing out that drunk driving is still the leading cause of highway deaths. For this reason, the Committee believes that this highway safety issue should remain the focus of a targeted program.

Legislation

The bill provides for the replacement of the section 408 and section 410 programs with a new drunk driving program that would include a number of the most effective features of the section 408 and section 410 programs, as well as a number of additional promising drunk driving prevention initiatives.

The new program would have a structure identical to that of the existing section 408 and section 410 programs. States that met certain basic criteria would receive a grant equal to 30 percent of their section 402 grant amount. There also would be supplemental grants. For each supplemental grant criteria it met, a State would receive an amount equal to 10 percent of its section 402 allocation. The States could receive grants for a maximum of 5 years.

Essential elements of the new grant program would be administrative revocation of drunk drivers' licenses (from the section 410 program); sobriety checkpoints; a 0.10 BAC standard that would have to be reduced to 0.08 within 3 years; a program to videotape drunk drivers; and a requirement that the program be planned to become self-supporting. The bill also contains a number of supplemental grant criteria, including programs to prevent underage drinking, a drugged driving program, and suspension of the license plates of repeat offenders.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget

Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 28, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1012, the National Highway Traffic Safety Administration Authorization Act of 1991, as ordered reported by the Senate Committee on Commerce, Science and Transportation, May 14, 1991. While enactment of this bill would create new direct spending authority, the outlays from these programs are considered discretionary. Therefore, pay-as-you-go procedures would not apply to this bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1012.

2. Bill title: National Highway Traffic Safety Administration Authorization Act of 1991.

3. Bill status: As ordered reported by the Senate Committee on Commerce, Science and Transportation, May 14, 1991.

4. Bill purpose: S. 1012 would authorize appropriations of $127.2 million in fiscal year 1992, $130.3 million in fiscal year 1993 and $133.5 million in fiscal year 1994 for various operations and research activities of the National Highway Traffic Safety Administration (NHTSA). The authorization for some of these activities—research and development programs—would be extended through fiscal year 1996 at $45.9 million per year. The bill would also authorize appropriations of $10 million in fiscal year 1991 and $20 million in each of fiscal years 1992 and 1993 for a program of grants to states that adopt and implement seatbelt and child restraint programs.

S. 1012 would provide contract authority in annual amounts increasing from $126.0 million in fiscal year 1992 to $146.3 million in fiscal year 1996 for NHTSA highway traffic safety grants. For a new impaired driving enforcement grant program, the bill would provide contract authority of $25 million in fiscal year 1995 and $50 million in each of the fiscal years 1996–1999.

A number of provisions in this bill would mandate regulatory actions and studies that would be funded by the authorized appropriations. In addition, S. 1012 would require that, to the extent practicable, all passenger vehicles acquired by the federal government after fiscal year 1991 be equipped with airbags.

For fiscal year 1991, $118.7 million was appropriated for NHTSA operations and research, including $42.4 million from the Highway Trust Fund and $76.3 million from the general fund. The Surface

Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17) provided contract authority of $126 million for highway traffic safety grants in each of the fiscal years 1987–1991.

5. Estimated cost to the Federal Government: The budget impact of the specific authorizations in the bill is summarized in the following table:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Budget authority:						
Highway traffic safety grants		126.0	130.8	135.8	140.9	146.3
Impaired driving enforcement programs					25.0	50.0
Total budget authority		126.0	130.8	135.8	165.9	196.3
Estimated outlays		51.7	99.0	117.9	146.5	170.9
Authorizations:						
NHTSA operations and research		127.2	130.3	133.5	45.9	45.9
Seatbelt and child restraint programs	10	20.0	20.0			
Total authorizations	10	147.2	150.3	133.5	45.9	45.9
Estimated outlays	0	79.6	124.2	143.3	89.9	61.0
Total:						
Budget authority/authorizations	10	273.2	281.1	269.3	211.8	242.1
Estimated outlays	0	131.2	223.2	261.2	236.4	232.7

The costs of this bill fall within budget function 400.

In addition to the authorizations shown in the above table, S.1012 would require that all passenger cars acquired by the federal government after September 30, 1991, be equipped with driver-side airbags. Passenger cars acquired after September 30, 1993, would have to have airbags for both front seats. To the extent that, without this provision, the federal government would buy cars without airbags and would probably pay less for such cars, then this provision would result in additional costs, which would be paid from annual appropriations of the agencies that purchase the cars. CBO estimates that the added costs would come to about $1,400 per vehicle for affected classes of cars, mostly because of decreased competition resulting from the airbag requirement. Based on 1990 car purchases, this cost would be about $12 million per year, but would probably decline over time as airbags becames more widely available.

Basis of estimate: CBO assumes that the full amount authorized for fiscal year 1991 would be provided in a supplemental appropriation late in this year, and that the amounts authorized for future fiscal years would be appropriated prior to the start of those years. The budget authority for highway traffic safety grants and impaired driving enforcement grants equals the contract authority provided in this bill. To estimate outlays for these programs, we assume that obligation limitations customarily established in appropriations acts would equal the budget authority. The outlay estimates are based on historical spending rates.

Airbag Requirement.—According to the General Services Administration, the federal government purchased about 31,000 passenger

vehicles in 1990, including subcompacts, compacts, midsize and large cars, law enforcement cars, and station wagons. About 72 percent of these had airbags, not because the government asked for airbags in its list of requirements, but rather because the lowest bidder for each class of car offered airbags anyway. (In fact, in most cases all the manufacturers for those classes of car offer airbags). Therefore, if the government were to purchase another 31,000 cars in 1992, the bidding process would be affected for at most 8,500 cars. The number would likely be less if the trend toward making more cars with airbags continues.

The effect of the airbag requirement would be a decrease in competition in certain categories of vehicles, for which a manufacturer could no longer bid because it would not meet the new airbag requirement. Rather than having three, or in some cases two, manufacturers to choose from, the government would have only two bidders, or even one, that could meet the new requirement for certain classes of cars. The result would be that the government would have to pay more for these cars to cover the additional cost of the airbags and the loss of competition in that class of car.

In some instances where a manufacturer making a car without an airbag won the government contract in 1990, the government saved about $300 per car. In addition, the government often receives a discount of about 20 percent off the wholesale price from the lowest bidder. Since the government pays an average of about $9,000 per car for certain affected types of cars, the average discount it receives is about $2,200. This amount would probably decrease if one of the bidders is eliminated from competition. If one of two original bidders is eliminated, then the government would have to pay the non-competitive wholesale price. Assuming a loss of half the average discount, the government's costs would rise by about $1,100 per car in the affected categories. Thus, the total effect of requiring airbags could result in the government paying an additional $1,400 for each of up to 8,500 cars—$1,100 for the loss of competition and $300 for the cost of the airbag—with a total budget impact of about $12 million annually. This cost would decrease in 1992 and 1993 if the government were to purchase fewer cars in a year and if, as expected, manufacturers continue to market more cars with airbags.

In 1994, the government would face a similar situation as the requirement that all cars it purchases have airbags on both sides takes effect. Although we expect that most cars will have both airbags to comply with Department of Transportation performance safety standards by 1994, it is possible that some cars that would not yet have dual airbags and hence would not meet government requirements. If such cars otherwise would have won a contract, then the government temporarily would face a similar increase in costs. Such costs would decrease after 1994 as dual airbags become standard on all types of cars the government buys.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. While S. 1012 provides budget authority in the form of contract authority for grant programs, the outlays for these programs would be considered discretionary, because they are subject to obligation limitations and liquidating ap-

propriations which are usually included in appropriations acts. Because only outlays are subject to pay-as-you-go procedures, the costs associated with this bill would not be subject to those procedures.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Marjorie Miller and James Hearn.

11. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

Title I of the bill authorizes appropriations for existing NHTSA programs under the Safety Act, the Cost Savings Act, and the National Driver Register Act. It also authorizes use of Highway Trust Fund moneys for safety programs directed at individuals who already are subject to such programs. Thus, the number of persons covered should be consistent with current levels.

Title II of the bill requires rulemakings on certain safety standards, directs consideration of the availability of additional consumer information, and establishes grants to improve consumer education about certain highway safety issues. The vehicles subject to the requirements of title II currently are subject to a number of safety standards and certain consumer information requirements. It is not expected that the new requirements will increase the number of persons utilizing vehicles. Therefore, the number of persons covered should be consistent with current levels.

Title III of the bill replaces current incentive grant programs directed at preventing impaired driving and establishes a replacement program. Both the old and new grant programs are available to all States that meet the established criteria. It is not expected that the revised incentive grant program will have any effect on the number of persons covered by the law.

Thus, no portion of the bill is expected to alter the current number of persons covered.

Economic Impact

Title I of the bill authorizes funding for various NHTSA activities under the Safety Act, the Cost Savings Act, and the National Driver Register Act. This funding is subject to modest increases during the course of the authorization to compensate for the increase in the cost of living, as projected by CBO. In general, these amounts do not differ significantly from amounts appropriated for such activities in past years. In fact, due to the probable savings to consumers and savings in health care costs from each of these programs, it is possible that these efforts could have a deflationary impact on the Nation's economy.

Title I also authorizes expenditures from the Highway Trust Fund for programs under section 402 and 403 of title 23, U.S. Code.

The amounts authorized for these programs do not differ significantly from the amounts currently authorized for the corresponding programs. The section 402 program amounts increase only by the cost-of-living increase projected by CBO. The section 403 program amounts do not increase during the authorization period. These authorizations are not expected to have an inflationary impact on the economy.

Title II includes provisions requiring NHTSA to upgrade or establish certain safety standards. Costs incurred by manufacturers to comply with these changes may be passed on to the consumer. The Committee expects, however, that because of the high volume of vehicles involved, any increases in purchase prices will be minimal. Any such increases will be offset by consumer savings for such items as repairs, insurance, and health care costs. The Government also should receive a net savings from safer automobiles.

Title II also includes a requirement that the Federal fleet be equipped with airbags. However, since this requirement only applies if economically practicable, and since manufacturers are expected to equip most of their vehicles with airbags in the coming years, it is not expected to increase significantly the Government's costs. Increased costs are likely to be offset by savings as a result of reduced injuries in accidents in these vehicles. This requirement is not expected to have any inflationary impact.

Finally, title III creates a grant program to encourage the use of seatbelts and child restraints. This program will be funded only to the extent States meet the program's requirements and qualify for funding. This grant program is similar in structure to several programs already in operation, although this program would serve an additional purpose in the States that meet the requirements should experience reductions in deaths and injuries from accidents due to increased seatbelt use. The program is not expected to have an inflationary impact on the economy.

Title III authorizes expenditures from the Highway Trust Fund for impaired driving prevention programs to replace the current programs authorized by sections 408 and 410 of title 23, U.S. Code. The impaired driving program amounts are identical to those currently available for the section 408 and 410 programs. This title is not expected to have an inflationary impact on the economy.

Privacy

The bill will have no adverse impact on the personal privacy of the individuals affected.

Paperwork

The bill does not impose additional reporting requirements on NHTSA or others, beyond the public information dissemination requirements already imposed on NHTSA pursuant to the Cost Savings Act. Thus, the legislation should not result in a significant paperwork increase for NHTSA, automobile manufacturers, or others.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

This section states the short title of the reported bill as the National Highway Traffic Safety Administration Authorization Act of 1991.

Section 2—Definitions

This section sets out definitions of terms used in the reported bill, including definitions of "passenger car" and "multipurpose passenger vehicle." These definitions are identical to those used in current NHTSA regulations.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Section 101.—General authorizations

Subsection (a) of this section authorizes the appropriation of funds to carry out the Safety Act for FY 1992 through 1994.

Subsection (b) of this section authorizes the appropriation of funds to carry out the Cost Savings Act for FY 1992 through 1994.

Subsection (c) of this section amends the National Driver Register Act to authorize the appropriation of funds to carry out the National Driver Register Act for FY 1992 through 1994.

Subsection (d) of this section authorizes expenditures from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 402 of title 23 of the U.S. Code for FY 1992 through 1996.

Subsection (e) of this section authorizes expenditures from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 403 of title 23 of the U.S. Code for FY 1992 through 1996.

Section 102.—Intelligent vehicle-highway systems

This section provides that the Secretary shall expend such sums as are necessary, out of the moneys authorized to carry out section 403 of title 23, U.S. Code, to conduct research on intelligent vehicle-highway systems. These expenditures shall include development of a strategic plan with specific goals for such research, with emphasis on the aspects of such systems that will increase safety.

TITLE II—REQUIREMENTS FOR VEHICLES

Section 201.—Side impact protection

This section requires the Secretary, within 12 months of enactment, to issue a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) 214 to establish performance criteria for passenger cars, to provide improved occupant protection from head injury in a side impact crash. The section further provides that, within 18 months after enactment, the Secretary is to promulgate a final rule to extend FMVSS 214, including the amendment required by this bill, to MPV's such as pickup trucks, minivans, and jeeps.

Approximately 8,000 Americans die each year in side impact crashes, and approximately 23,000 suffer serious, nonfatal injuries. Thirty-five percent of the life-threatening automobile injuries occur

in side crashes. After many years of work, NHTSA recently issued an upgraded side impact protection standard for passenger cars, to prevent injuries to the chest and pelvis in such crashes. At the same time, NHTSA indicated that it would continue its work to address head injury prevention in such crashes. MVP's are not currently required to meet the passenger car standard for protection of the chest and pelvis. This section would require that the passenger car standards be applied to MPV's.

Section 202.—Automobile crashworthiness data

This section requires the Secretary to enter into arrangements with the National Academy of Sciences to conduct a study, within specified timeframes, to consider means of establishing a uniform rating system to permit consumers to compare the crashworthiness of different vehicles. Upon completion of the study, it is to be furnished to Congress, and the Secretary is to begin a period of public comment on the recommendations made in the study. The Secretary then shall determine whether such a crashworthiness rating system can be developed, and shall publish that determination. If it is determined that such a system can be developed, the Secretary is to conduct a rulemaking proceeding to develop such a rule within established time limits.

The Cost Savings Act currently requires DOT to compile crashworthiness information. However, the only such information available is obtained through random sampling in connection with NHTSA's New Car Assessment Program, and is not available at the vehicle's point of sale. NHTSA studies indicate that prospective new car purchasers favor the idea of a Government safety rating. The Committee hopes that a new system can be developed so that crashworthiness ratings could be placed on the window stickers of vehicles. Purchasers then would be able to compare crashworthiness ratings just as they currently compare fuel economy mileage ratings. While a system that could compare all crashworthiness features with just one rating would be preferable and should be explored, the Committee recognizes that a single rating may not be workable, and that a system of several ratings to indicate crashworthiness in various situations may be necessary. This section would permit either a single rating or multiple ratings.

Section 203.—Standards compliance

This section requires the Secretary to establish a schedule for investigating compliance with each FMVSS in effect which is capable of being tested. This provision is a result of a December 1986 report of the General Accountig Office (GAO), "Motor Vehicle Safety: Enforcement of Federal Standards Can Be Enhanced," which found that enforcement of these standards could be enhanced by ensuring that each standard is subject to testing on a regular, rotating basis.

Section 204.—Investigation and penalty procedures

This section requires the Secretary to establish written guidelines for conducting expeditious and thorough investigations of noncompliance with any requirements issued under the Safety Act, which includes NHTSA safety standards and recall orders. The Secretary also is to develop written guidelines for determining

when the results of such investigations shall be the subject of a civil penalty proceeding. This provision was based on recommendations in the 1986 GAO report previously referred to in connection with section 203.

Section 205.—Multipurpose passenger vehicle safety

This section requires that the Secretary complete, within 12 months of enactment, a rulemaking to review the classification system for safety purposes of vehicles that weigh under 10,000 pounds. In the 1960's, NHTSA defined a number of vehicle classes, including a category referred to as "multipurpose passenger vehicles" (Less than 10,000 pounds and designed for carrying 10 persons or less, constructed either on a truck chassis or for occasional off-road operation.). GAO recommended in 1978 that NHTSA review its system of classification of vehicles under 10,000 pounds. Since the original classification of passenger vehicles, the types of vehicles making up the passenger fleet have changed dramatically. The use patterns of MPV's have changed from primarily cargo-carrying to primarily passenger-carrying. Questions have been raised about the continued validity of the classifications in light of these changing uses, as well as the differences between Customs Service (customs) classifications for duty purposes and NHTSA's classifications for safety purposes.

In 1988, NHTSA issued a notice of proposed rulemaking to consider reclassification. However, NHTSA terminated this rulemaking proceeding in April 1991, finding that although there could be some benefits associated with a new classification scheme, reclassification was less important because many passenger car safety standards had been extended to light trucks. However, as NHTSA recognizes, the current situation with respect to current safety standards does not resolve the classification issue for the future. Classification review should be completed to ensure that the current classifications are logical and accurate, and ensure that future safety standards are applied appropriately across the fleet.

In addition, this section requires that any reclassification of vehicles weighing under 10,000 pounds which is undertaken must consider the Customs classification of vehicles and, to the maximum extent practicable, include as a passenger automobile any vehicle classified by Customs as a vehicle principally designed for the transport of persons. The Committee is aware that there currently is no coordination between NHTSA and Customs, and that vehicles receiving favorable duty treatment as passenger vehicles may not be required to meet passenger car safety standards. While it may not be practicable to conform NHTSA passenger automobile classification completely to the classification made by Customs, it is the intent of this section to ensure that NHTSA reviews the Customs classification in the course of its classification process. A vehicle classified by Customs as a passenger vehicle should be required to meet passenger automobile safety standards if possible.

Section 206.—Rollover protection

This section requires a rulemaking to consider establishing a standard to prevent unreasonable risk of rollover in passenger cars and MPV's. NHTSA's own research indicates that a significant per-

centage of accidents involving certain types of MPV's and passenger cars involve vehicle rollover. For example, NHTSA reports that 64 percent of all single-vehicle Suzuki Samurai accidents involve rollover. The rollover rate for full-sized sedans is only 8 percent. In 1989, NHTSA granted a petition for rulemaking to establish a minimum standard to protect against unreasonable risk of rollover. To date, no such rule has been issued. This section would require completion of the rulemaking within 12 months of enactment.

Section 207.—Rear seatbelts

This section provides that the Secretary expend such funds as are deemed necessary from funds appropriated to carry out the Cost Savings Act for FY 1992 and 1993 to provide consumers with information about retrofitting their vehicles with rear seat lap-and-shoulder belts. Such belts only recently have been required to be installed as original equipment, and there is ample evidence, compiled in part through NHTSA's rulemaking, to conclude that rear seat shoulder belts enhance vehicle safety.

All rear passenger car seats have been required since 1968 to be equipped with brackets to allow installation of lap-shoulder belts. Consumers and auto dealers should be made fully aware of the availability of retrofit kits.

Section 208.—Impact resistance capability of bumpers

This section establishes two requirements with respect to bumpers.

Subsection (a) amends the Cost Savings Act to require the Secretary to promulgate a rule regarding disclosure by the manufacturers of the speed as which the bumper meets that applicable Federal damage criteria. Such information must be provided to the Secretary and disseminated by the Secretary to consumers in a form to facilitate comparison among various vehicle types.

Subsection (b) requires the Secretary to amend, within 1 year of enactment, the current standard for bumper impact capability in order to return to the standard in effect on January 1, 1982. The current standard requires bumpers to withstand established levels of damage at impact speed up to 2.5 mph without damage to the safety features or the exterior sheet metal of the vehicle. The standard to be implemented requires the vehicle to withstand certain levels of damage at impact speeds up to 5 mph.

The bumper standard was rolled back to 2.5 mph on the theory that it would provide savings to consumers from reduced purchase price and fuel savings due to decreased vehicle weight. It was believed that such savings would offset increased repair costs and inconvenience created by the weaker bumpers.

However, since 1982 there has been virtually no evidence of savings in vehicle purchase price or weight reduction that would yield savings in fuel economy. Additionally, the Insurance Institute for Highway Safety (IIHS) and others have suggested that the damage reduction capability of the 5 mph bumper was understated in the original decision to reduce the standards, and the value of the consumer's time in obtaining repairs and available insurance savings were understated.

Recent evidence demonstrates that this 2.5 mph bumper has been costly to consumers. IIHS studies reported in February 1991 tested 22 midsize four-door cars at 5 mph. Six of these cars had bumpers that allowed more than $3,000 damage. Only two of the cars had damage totals under $1,000. (IIHS Status Report Vol. 26, No. 2, February 16, 1991). By comparison, before the 5-mph standard was lowered, the Ford Escort sustained no damage in the same test.

Thus, the Committee believes that experience with the 2.5-mph standard has demonstrated that the original estimates weighing its costs and benefits were not accurate. Moreover, domestic auto manufacturers have testified that many of their vehicles currently meet the 5-mph standard for at least some features of the vehicle. The NHTSA Administrator testified before the Consumer Subcommittee that he believed the current standard should be reexamined. On balance, reinstatement of the 5-mph bumper standard should save the consumer money and promote highway safety.

Section 209.—Child booster seats

This section requires a rulemaking proceeding, to be completed within 12 months of enactment, to increase the safety of child booster seats. Booster seats, used by toddlers and older children, are designed to elevate children so that they are in the proper position to use lap and shoulder belts. A study conducted for NHTSA, "Evaluation of the Performance of Child Restraint Systems," indicates that some of these systems may not restrain adequately a child in a crash, and some may put pressure on the child's abdomen during a crash. This section is a response to the concerns expressed in that study.

Section 210.—Airbag requirements

This section sets out two requirements with respect to airbags in passenger vehicles.

Subsection (a) requires that, to the extent practicable, the Secretary, in cooperation with the General Services Administration (GSA) and heads of other Federal agencies, ensure that passenger automobiles purchased for the Federal fleet be equipped with airbags. Driver side airbags would be required for passenger cars acquired after September 30, 1991, and driver and passenger side airbags would be required for passenger cars acquired after September 30, 1993. If only one source of airbag-equipped vehicles is available, so that competitive bidding cannot occur, such purchases may not be practicable. However, since most manufacturers have announced plans to install airbags in their passenger car fleet in the mid 1990's, this problem is not likely to occur.

Subsection (b) requires that manufacturers equip all passenger cars and other passenger vehicles, as defined in the section to include most MPV's, with airbags on a phased-in schedule set out in the reported bill. There is general agreement among all experts that airbags plus manual seatbelts provide protection in a frontal crash superior to any other form of occupant protection. Yet current NHTSA rules require only "passive restraints," which include automatic seatbelts or airbags. Manufacturers have testified that they plan voluntarily to equip all their passenger cars and most

other passenger vehicles with airbags during the next decade. This section would ensure that the best form of occupant protection is available to all consumers.

Section 211.–State motor vehicle safety inspection programs

This section requires the Secretary to report regularly to Congress on its efforts to assist States and coordinate with EPA in establishing State motor vehicle inspection programs. A recent GAO report, "Motor Vehicle Safety: NHTSA Should Resume Its Support of State Periodic Inspection Programs," found that such inspection programs reduce highway accident rates by reducing the number of poorly maintained vehicles. This section will allow Congress to monitor more effectively NHTSA's activities in this area. These activities and coordination with EPA will be particularly important as EPA oversees establishment of emissions inspection programs, which are required by the Clean Air Act to be established in air quality nonattainment areas.

Section 212.—Recall of certain motor vehicles

This section provides the Secretary with authority to require manufacturers to send a second notification to owners of defective vehicles to enhance safety defect and noncompliance recall response rates. DOT's review of techniques such as postcard reminders to increase recall response rates shows that the followup notice can achieve response rates significantly higher than those achieved by the initial notification.

This section further requires that any owner of leased vehicles who receives a recall notice shall send a copy of such notice to the lessee of the vehicle. Finally, the section requires that any dealer that receives a recall notice with respect to any vehicle or item of equipment may not sell or lease that product unless the defect is remedied or the recall order has been restrained or set aside. This provision is intended to close a loophole that exists in the Safety Act.

Section 213.—Darkened windows

This section requires the Secretary to conduct a rulemaking to consider certain safety issues related to the use of dark tinted windows in passenger vehicles and the adequacy of current safety standards in this regard. NHTSA completed a study of this issue in March 1991, and determined that rulemaking is appropriate. This section would insure that the rulemaking is completed in a timely fashion.

Section 214.—Grant program concerning use of seatbelts and child restraint systems

This section establishes a grant program to encourage the States to increase the rate of seatbelt usage among their citizens, and to educate their citizens about the proper use of child restraint systems. Grants would be available for a maximum of 3 fiscal years, to fund a declining percentage of the cost to States of their programs to achieve the required goals. Grants would be available to States that (1) have in effect mandatory seatbelt use laws applicable to front seat passengers; (2) achieve either 70 percent seatbelt usage

by those passengers or a stated, and increasing, improvement over 1990 use rates; and (3) have in effect a program determined by the Secretary to encourage the correct use of child restraint systems.

Section 215.—Methods of reducing head injuries

Each year a large number of Americans suffer head injuries in automobile crashes. Many of these victims are permanently disabled. An airbag can eliminate head injuries resulting from frontal crashes. Even if all cars were equipped with airbags, however, head injuries still will occur from rollover and side impact crashes. NHTSA's own research indicates that many of these head injuries could be prevented if additional padding were placed in the interior portions of the vehicles likely to come into contact with a crash victim's head.

This section would require a completion of a rulemaking, within 2 years of enactment, to consider methods of reducing head injuries caused by contact with the interior components of passenger automobiles and MPV's. NHTSA has begun the rulemaking process with respect to some aspects of this issue by promulgating an advance notice of proposed rulemaking to prevent head injury in side impact crashes.

The rulemaking required by this section would not have to result in issuance of a new or different performance standard to prevent head injuries beyond that required by section 201 regarding side impact head injury protection. It is presumed, however, that NHTSA would establish such additional standards if its investigation showed that they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

Section 216.—Pedestrian safety

This section requires that NHTSA complete a rulemaking, within 2 years of enactment, to minimize pedestrian injury attributable to vehicle design elements such as hoods, hood ornaments, fenders, and grills. According to NHTSA, almost 7,000 pedestrians are killed annually in the United States. Since 1981, NHTSA has done considerable research on reducing pedestrian injuries, and in identifying sources of these injuries. This section would require that a rulemaking to conducted utilizing that research.

Section 217.—Daytime running lights

This section requires a rulemaking, to be completed within 12 months of enactment, to authorize passenger cars and MPV's to be equipped with daytime running lights. Some preliminary research in other countries has indicated that these lights reduce accidents. However, some State laws on headlight configuration have the effect of prohibiting the use of such lights. This section would allow their use. The section also requires that the Secretary report to the appropriate congressional committees, within 2 years of enactment, on the safety implications of these lights. During the period between the rulemaking and the report, these should be some experience with use of these lights on U.S. highways, and that will aid the Secretary in determining whether the lights should be required.

Section 218.—Antilock brake systems

This section requires a rulemaking, to be completed within 12 months of enactment, to consider whether to adopt a standard requiring antilock brake systems for cars and MPV's. There is evidence that these systems are useful in avoiding accidents, particularly in bad weather, and this section requires that NHTSA give priority consideration to whether they should be required. This section does not determine the issue, but merely requires NHTSA to address it.

Section 219.—Head-up displays

This section requires a rulemaking, to be completed within 12 months of enactment, to consider whether heads-up displays, which permit the driver to obtain information on speed, fuel level, and other instrument readings without looking down, should be required in cars and MPV's. There is some information that such displays may reduce accidents by allowing the driver to keep his or her eyes on the road while obtaining instrument information. The rulemaking required by this section would not have to result in the issuance of a new or different performance standard or requirements. It is presumed, however, that NHTSA would establish such standard if its investigation showed that they were practicable, would meet the need for motor vehicle safety, and could be stated in objective terms.

Section 220.—Safety belt design

This section requires a rulemaking, to be completed within 12 months of enactment, to consider whether to amend the current standard for seatbelt design to take into account the needs of children and shorter adults. There is some evidence that current seatbelt design does not protect adequately such individuals, and that this situation could be remedied easily by minor design changes. While NHTSA recently terminated a rulemaking on this issue, that analysis did not consider the effect on children of such an amendment to the standard. The rulemaking required by this section would have to consider the safety of children. The required rulemaking would not have to result in an amended standard, but it is presumed that one would be issued if it were found to be practicable, meet the need for motor vehicle safety, and could be stated in objective terms.

Section 221.—Criteria for standards

This section provides that any standard issued pursuant to the rulemakings required by specified sections of the reported bill shall be in accordance with current requirements of the Safety Act, including the requirements that the standards be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

TITLE III—IMPAIRED DRIVING ENFORCEMENT

Section 301.—Short title

This section states the short title as the Impaired Driving Prevention Act of 1991.

Section 302.—Amendment to title 23, U.S. Code

This section amends chapter 4 of title 23, U.S. Code, to establish an incentive grant program to make basic and supplemental grants to States that take certain actions to prevent impaired driving. The grants only may be used by the States to implement and enforce the actions required by the bill. The section further provides that States may receive such grants for a maximum of 5 years, and that the Federal share payable may not exceed a declining percentage of the cost of the program, which ultimately must become self-sustaining through State funds. The maximum grant amounts are equal to stated portions of the particular State's grant under section 402 of title 23, U.S. Code.

The section provides that a State is eligible for a basic grant if it does all of the following:

(1) provides for a program to conduct highway sobriety checkpoints;

(2) provides for a program to acquire videotape equipment to be used in detecting persons driving under the influence of alcohol or drugs and in prosecuting them;

(3) establishes an administrative driver's license suspension or revocation program for individuals operating vehicles under the influence of alcohol;

(4) reauires that any person with a blood alcohol concentration (BAC) equal to or greater than 0.10 percent for the first 3 years of the program, and 0.08 percent for the last 2 years of the program, will be deemed to be driving under the influence;

(5) provides for certain mandatory minimum sentences for those convicted of driving under the influence of alcohol; and

(6) provides for a self-sustaining drunk driving prevention program.

The section further provides that the Secretary may waive any one of the basic grant requirements for a State if the State decreases by an average of 3 percent per calendar year for 5 consecutive years its rate of alcohol-related fatalities.

The section provides that a State may receive supplemental grants for any of the following actions:

(1) providing mandatory blood alcohol testing programs for drivers in accidents involving fatalities or serious injuries;

(2) providing enhanced enforcement of "21 drinking age" laws;

(3) establishing laws preventing drugged driving, including prompt license suspension, presumed driver consent to drug testing, mandatory minimum sentences for those convicted of drugged driving, and a system of detection and prosecution of drugged drivers;

(4) establishing, in the first 3 years of the program, a mandatory BAC intoxication level of 0.08;

(5) making unlawful the possession of open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; or

(6) suspending car licenses and registrations for repeat offenders of impaired driving laws.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL DRIVER REGISTER ACT OF 1982

Section 211 of that Act

AUTHORIZATION OF APPROPRIATIONS

SEC. 211. (a) * * *

(b) There are authorized to be appropriated to carry out the provisions of this title and the provisions of Public Law 86-660 (74 Stat. 526) not to exceed $1,000,000 for fiscal year 1983, not to exceed $1,300,000 for fiscal year 1984, not to exceed $1,600,000 for fiscal year 1985, not to exceed $1,600,000 for fiscal year 1986, [and] not to exceed $1,600,000 for fiscal year 1987, *not to exceed $6,131,000 for fiscal year 1992, not to exceed $6,363,978 for fiscal year 1993, and not to exceed $6,605,809 for fiscal year 1994.*

(c) * * *

NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Section 103 of that Act

SEC. 103. (a) The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be practicable, shall meet the need for motor vehicle safety, and shall be stated in objective terms.

(b) through (i) * * *

(j)(1) The Secretary shall establish a schedule for use in ensuring compliance with each Federal motor vehicle safety standard established under this Act which the Secretary determines is capable of being tested. Such schedule shall ensure that each such standard is the subject of testing and evaluation on a regular, rotating basis.

(2) The Secretary shall, not later than 6 months after the date of enactment of this subsection, conduct a review of the method for the collection of data regarding accidents related to Federal motor vehicle safety standards established under this Act. The Secretary shall consider the desirability of collecting data in addition to that information collected as of the date of enactment of this subsection, and shall estimate the costs involved in the collection of such additional data, as well as the benefits to safety likely to be derived from such collection. If the Secretary detemines that such benefits outweigh the costs of such collection, the Secretary shall collect such additional data and utilize it in determining which motor vehicles should be the subject of testing for compliance with Federal motor vehicle safety standards established under this Act.

Section 109 of that Act

SEC. 109. (a) Whoever violates any provision of section 108, or any regulation issued thereunder, shall be subject to civil penalty of not to exceed $1,000 for each such violation. Such violation of a provision of section 108, or regulations issued thereunder, shall constitute a separate violation with respect to each motor vehicle or item of motor vehicle equipment or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty shall not exceed $800,000 for any related series of violations. *The Secretary shall establish procedures for determining the manner in which, and the time within which, a determination should be made regarding whether a civil penalty should be imposed under this section. Nothing in this subsection shall be construed to limit the ability of the Secretary to exceed any time limitation specified for making any such determination where the Secretary determines that additional time is necessary for making a determination regarding whether a civil penalty should be imposed under this section.*

(b) * * *

Section 112 of that Act

SEC. 112(a)(1) The Secretary is authorized to conduct any inspection or investigation—

(A) which may be necessary to enforce this title or any rules, regulations, or orders issued thereunder, or

(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions udner this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection. *The Secretary shall establish written guidelines and procedures for conducting any inspection or investigation regarding noncompliance with this title or any rules, regulations, or orders issued under this title. Such guidelines and procedures shall indicate timetables for processing of such inspections and investigations to ensure that such processing occurs in an expeditious and thorough manner. In addition, the Secretary shall develop criteria and procedures for use in determining when the results of such an investigation should be considered by the Secretary to be the subject of a civil penalty under section 109 of this title. Nothing in this paragraph shall be construed to limit the ability of the Secretary to exceed any time limitation specified in such timetables where the Secretary determines that additional time is necessary for the processing of any such inspection or investigation.*

(1) through (3) * * *

(b) through (e) * * *

Section 153 of that Act

CONTENTS, TIME, AND FORM OF NOTICE

SEC. 153. (a) through (c) * * *

(d) If the Secretary determines that a notification sent by a manufacturer pursuant to subsection (c) of this section has not resulted in an adequate number of vehicles or items of equipment being returned for remedy, the Secretary may direct the manufacturer to send a second notification in such manner as the Secretary may by regulation prescribe.

(e)(1) Any lessor who receives a notification required by section 151 or 152 pertaining to any leased motor vehicle shall send a copy of such notice to the lessee in such manner as the Secretary may by regulation prescribe.

(2) For purposes of this subsection, the term "leased motor vehicle" means any motor vehicle which is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of the notification.

Section 154 of that Act

REMEDY OF DEFECT OR FAILURE TO COMPLY

SEC. 154. (a) through (c) * * *

(d) If notification is required under section 151 or by an order under section 152(d) and has been furnished by the manufacturer to a dealer of motor vehicles with respect to any new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification which fails to comply with an applicable Federal motor vehicle safety standard or contains a defect which relates to motor vehicle safety, such dealer may sell or lease such motor vehicle or item of replacement equipment only if—

(1) the defect or failure to comply has been remedied in accordance with this section before delivery under such sale or lease; or

(2) in the case of notification required by an order under section 152(b), enforcement of the order has been restrained in an action to which section 155(a) applies or such order has been set aside in such an action.

Nothing in this subsection shall be construed to prohibit any dealer from offering for sale or lease such vehicle or item of equipment.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Title I of that Act

TITLE I—BUMPER STANDARDS

SEC. 101 through 102 * * *

DISCLOSURE OF BUMPER IMPACT CAPABILITY

SEC. 102A. (a) The Secretary shall promulgate, in accordance with the provisions of this section, a regulation establishing passenger motor vehicle bumper system labeling requirements. Such regulation

shall apply to passenger motor vehicles manufactured for model years beginning more than 180 days after the date such regulation is promulgated, as provided in subsection (c)(2) of this section.

(b)(1) The regulation required to be promulgated in subsection (a) of this section shall provide that, before any passenger motor vehicle is offered for sale, the manufacturer shall affix a label to such vehicle, in a format prescribed in such regulation, disclosing an impact speed at which the manufacturer represents that the vehicle meets the applicable damage criteria.

(2) For purposes of this subsection, the term "applicable damage criteria" means the damage criteria applicable under section 581.5(c) of title 49, Code of Federal Regulations (as in effect on the date of enactment of this section).

(c)(1) Not later than 90 days after the date of enactment of this section, the Secretary shall publish in the Federal Register a proposed initial regulation under this section.

(2) Not later than 180 days after such date of enactment, the Secretary shall promulgate a final initial regulation under this section.

(d) The Secretary may allow a manufacturer to comply with the labeling requirements of subsection (b) of this section by permitting such manufacturer to make the bumper system impact speed disclosure required in subsection (b) of this section on the label required by section 506 of this Act or section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(e) The regulation promulgated under subsection (a) of this section shall provide that the information disclosed under this section be provided to the Secretary at the beginning of the model year for the model involved. As soon as practicable after receiving such information, the Secretary shall furnish and distribute to the public such information in a simple and readily understandable form in order to facilitate comparison among the various types of passenger motor vehicles. The Secretary may by rule require automobile dealers to distribute to prospective purchasers any information complied pursuant to this subsection.

(f) For purposes of this section, the term "passenger motor vehicle" means any motor vehicle to which the standard under part 581 of title 49, Code of Federal Regulations, is applicable.

SECS. 103 through 112 * * *

Part A of Title III of that Act

PART A—STATE PROGRAMS

SECS. 301 through 303 * * *

STATE MOTOR VEHICLE SAFETY INSPECTION PROGRAMS

SEC. 304. (a) The Congress finds that—

(1) State motor vehicle safety inspection programs, when properly administered, can reduce the rate of highway traffic accidents by a significant percentage;

(2) the 1990 amendments to the Clean Air Act will subject approximately 60 percent of the vehicles in the United States to emissions inspection;

(3) as States plan to implement the requirement for emissions inspections, there is considerable potential for simultaneously and economically implementing effective motor vehicle safety inspection programs;

(4) the Secretary, as part of the effort to reduce highway accidents, should make every effort to ensure that the potential for effective State motor vehicle safety inspection programs is realized; and

(5) the Secretary and the Administrator of the Environmental Protection Agency shall coordinate their efforts so as to ensure maximum coordination of motor vehicle safety inspections and required emissions inspections.

(b) The Secretary shall, within six months after the date of enactment of this section and every year thereafter, submit a report to Congress detailing the efforts of the Secretary to ensure that State motor vehicle safety inspection programs are implemented in the most effective manner possible. The report shall—

(1) specify Federal manpower allocations for support of State motor vehicle safety inspection efforts;

(2) specify allocations and expenditures of Federal funds on such efforts;

(3) describe the extent and effect of the coordination by the Secretary and the Administrator of the Environmental Protection Agency of their respective efforts regarding motor vehicle safety inspection and required emissions inspections, and of the coordination of State motor vehicle safety inspections and emissions inspections;

(4) list the States that do not have a periodic safety inspection program for motor vehicles that meets the requirements of Highway Safety Program Standard Number 1 and part 570 of title 49, Code of Federal Regulations; and

(5) include any data, furnished by the States that do operate such safety inspection programs, that concerns the relative effectiveness of their particular programs.

TITLE 23, UNITED STATES CODE

Chapter 4 of that Title

CHAPTER 4. HIGHWAY SAFETY

Section
401. Authority of the Secretary.

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405. Impaired driving enforcement programs.
406. School bus driver training.

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410. Drunk driving prevention programs.
411. Seatbelt and child restraint programs.

SECS. 401 through 404 * * *

§405. Impaired driving enforcement programs

(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement impaired driving enforcement programs which include measures, described in this section, to improve the effectiveness of the enforcement of laws to prevent impaired driving. Such grants may only be used by recipient States to implement and enforce such measures.

(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for impaired driving enforcement programs at or above the average level of such expenditures in its 2 fiscal years preceding the fiscal year in which this section is enacted.

(c) FEDERAL SHARE.—No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the impaired driving enforcement program adopted by the State pursuant to subsection (a);

(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title.

(e) ELIGIBILITY FOR BASIC GRANTS.—

(1) GENERAL.—For purposes of this section, a State is eligible for a basic grant if such State—

(A) provides for a program (funded at the level required under paragraph (2)) to conduct highway checkpoints for the detection and deterrence of persons who operate motor vehicles while under the influence of alcohol or a controlled substance, including the training, manpower, and equipment associated with the conduct of such checkpoints;

(B) provides for a program (funded at the level required under paragraph (2)) to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alochol or a controlled substance and in effectively prosecuting those persons, and to train personnel in the use of that equipment;

(C) establishes an expedited driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

(i) when a law enforcement officer has probable cause under State law to believe a person has committed an

alcohol-related traffic offense and such person is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer shall serve such person with a written notice of suspension or revocation of the driver's license of such person and take possession of such driver's license;

(ii) the notice of suspension or revocation referred to in clause (i) shall provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of a person for operating a motor vehicle while under the influence of alcohol and shall specify any rights of the operator under such procedures;

(iii) the State shall provide, in the administrative procedures referred to in clause (ii), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in clause (vi);

(iv) after serving notice and taking possession of a driver's license in accordance with clause (i), the law enforcement officer immediately shall report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this clause;

(v) in the case of a person who, in any 5-year period beginning after the date of enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering driver's licenses, upon receipt of the report of the law enforcement officer—

(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

(vi) the suspension and revocation referred to under clause (iv) shall take effect not later than 30 days after the day on which the person first received notice of the suspension or revocation in accordance with clause (ii);

(D) requires that any person with a blood alcohol concentration equal to or greater than the following percentage when operating a motor vehicle shall be deemed to be driving while under the influence of alcohol:

(i) 0.10 percent for each of the first 3 fiscal years in which a basic grant is received; and

(ii) 0.08 percent for each of the last 2 fiscal years in which a basic grant is received;

(E) enacts a statute which provides that—

(i) any person convicted of a first violation of driving under the influence of alcohol shall receive—

(I) a mandatory license suspension for a period of not less than 90 days; and

(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

(ii) any person convicted of a second violation of driving under the influence of alcohol within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

(iii) any person convicted of a third or subsequent violation of driving under the influence of alcohol within 5 years after a prior conviction for the same offense shall—

(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

(II) have his or her license revoked for not less than 3 years; and

(iv) any person convicted of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of alcohol shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license; and

(F) provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines and surcharges collected from persons by reason of their operation of a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

(2) REQUIRED FUNDING LEVELS.—The funding level for the program described in paragraph (1)(A), and for the program described in paragraph (1)(B), shall be an amount equal to or greater than—

(A) the average level of expenditures by the State for such program in its 2 fiscal years preceding the date of enactment of this section, plus

(B) 2.4 percent of the amount apportioned to the State for fiscal year 1989 under section 402 of this title.

(3) WAIVER FOR REDUCED FATALITIES.—If the rate of alcohol-related fatalities (as defined in the Fatal Accident Reporting System of the National Highway Traffic Safety Administration) in a State decreases by an average of 3 percent per calendar year

for the 5 consecutive calendar years prior to the fiscal year for which the State would receive a basic grant under this section, the Secretary may waive for that State the basic grant eligibility requirements of one subparagraph among subparagraphs (A) through (F) of paragraph (1).

(f) SUPPLEMENTAL GRANT PROGRAM.—

(1) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c) of this section, not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in an accident resulting in the loss of human lifes, or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

(2) PROGRAM FOR PREVENTING DRIVERS UNDER AGE 21 FROM OBTAINING ALCOHOLIC BEVERAGES—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for and increases its enforcement of an effective system for preventing persons under age 21 from obtaining alcoholic beverages, which may include the issuance of drivers' licenses to persons under age 21 that are easily distinguishable in appearance from drivers' licenses issued to persons 21 years of age and older.

(3) DRUGGED DRIVING PREVENTION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

(A) provides for laws concerning drugged driving under which—

(i) a person shall not drive or be in actual physical control of a motor vehicle while under the influence of alcohol, a controlled substance or combination of controlled substances, or any combination of alcohol and controlled substances;

(ii) any person who operates a motor vehicle upon the highways of the State shall be deemed to have given consent to a test or tests of his or her blood, breath, or urine for the purpose of determining the blood alcohol concentration or the presence of controlled substances in his or her body;

(iii) the driver's license of a person shall be suspended promptly, for a period of not less than 90 days in the case of a first offender and not less than 1 year in the case of any repeat offender, when a law enforcement officer has probable cause under State law to be-

lieve such person has committed a traffic offense relating to controlled substances use, and such person (I) is determined, on the basis of 1 or more chemical tests, to have been under the influence of controlled substances while operating a motor vehicle, or (II) refuses to submit to such a test as proposed by the officer;

(B) enacts a statute which provides that—

(i) any person convicted of a first violation of driving under the influence of controlled substances or alcohol, or both, shall receive—

(I) a mandatory license suspension for a period of not less than 90 days; and

(II) either an assignment of 100 hours of community service or a minimum sentence of imprisonment for 48 consecutive hours;

(ii) any person convicted of a second violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a conviction for the same offense shall receive a mandatory minimum sentence of imprisonment for 10 days and license revocation for not less than 1 year;

(iii) any person convicted of a third or subsequent violation of driving under the influence of controlled substances or alcohol, or both, within 5 years after a prior conviction for the same offense shall—

(I) receive a mandatory minimum sentence of imprisonment for 120 days; and

(II) have his or her license revoked for not less than 3 years; and

(iv) any person convicted of driving with a suspended or revoked of driving with a suspended or revoked license or in violation of a restriction imposed as a result of a conviction for driving under the influence of controlled substances or alcohol, or both, shall receive a mandatory sentence of imprisonment for at least 30 days, and shall upon release from imprisonment receive an additional period of license suspension or revocation of not less than the period of suspension or revocation remaining in effect at the time of commission of the offense of driving with a suspended or revoked license;

(C) provides for an effective system, as determined by the Secretary, for—

(i) the detection of driving under the influence of controlled substances;

(ii) the administration of a chemical test or tests to any driver who a law enforcement officer has probable cause to believe has committed a traffic offense relating to controlled substances use; and

(iii) in instances where such probable cause exists, the prosecution of (I) those who are determined, on the basis of 1 or more chemical tests, to have been operating a motor vehicle while under the influence of controlled substances and (II) those who refuse to submit

to such a test as proposed by a law enforcement officer; and

(D) has in effect two of the following programs:

(i) an effective educational program, as determined by the Secretary, for the prevention of driving under the influence of controlled substances;

(ii) an effective program, as determined by the Secretary, for training law enforcement officers to detect driving under the influence of controlled substances; and

(iii) an effective program, as determined by the Secretary, for the rehabilitation and treatment of those convicted of driving under the influence of controlled substances.

(4) BLOOD ALCOHOL CONCENTRATION STANDARD.—For purposes of this section, a State is eligible for a supplemental grant (only for any of the first 3 fiscal years in which a basic grant is received) in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that any person with a blood alcohol concentration of 0.08 percent or greater when operating a motor vehicle shall be deemed to be driving while under the influence of alcohol.

(5) UNLAWFUL OPEN CONTAINER AND CONSUMPTION OF ALCOHOL PROGRAMS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State makes unlawful the possession of any open alcoholic beverage containers, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

(A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

(B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger areas.

(6) SUSPENSION OF REGISTRATION AND RETURN OF LICENSE PLATE PROGRAM.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides for the suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by an individual who—

(A) has been convicted on more than 1 occasion of an alcohol-related traffic offense within any 5-year period after the date of enactment of this section; or

(B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for such an offense.

A State may provide limited exceptions to such suspension of registration or return of license plates, on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle.

(7) SUPPLEMENTAL GRANTS AS BEING IN ADDITION TO OTHER GRANTS.—A supplemental grant under this section shall be in addition to any basic grant or any other supplemental grant received by such State.

(g) EFFECT OF PARTICIPATION IN PROGRAMS UNDER SECTIONS 408 AND 410.—No State may receive a grant under this section for any fiscal year for which that State is a recipient of a grant under section 408 or 410 of this title.

(h) DEFINITIONS.—As used in this section—

(1) ALCOHOLIC BEVERAGE.—The term "alcoholic beverage" has the meaning such term has under section 158(c) of this title.

(2) CONTROLLED SUBSTANCES.—The term "controlled substances" has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) MOTOR VEHICLE.—The term "motor vehicle" has the meaning such term has under section 154(b) of this title.

(4) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term "open alcoholic beverage container" means any bottle, can, or other receptacle—

(A) which contains any amount of an alcoholic beverage; and

(B)(i) which is open or has a broken seal, or

(ii) the contents of which are partially removed.

(i) AUTHORIZATION OF APPOPRIATIONS.—There are authorized to be appropriated to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), $25,000,000 for the fiscal year ending September 30, 1992, and $50,000,000 per fiscal year for the fiscal years ending September 30, 1993, September 30, 1994, September 30, 1995, and September 30, 1996, respectively. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditures of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that sums authorized by this subsection shall remain available until expended.

SECS. 406 through 410 * * *

§ 411. Seatbelt and child restraint programs

(a) Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement seatbelt and child restraint programs which include measures described in this section to foster the increased use of seatbelts and the correct use of child restraint systems. Such grants may only be used by recipient States to implement and enforce such measures.

(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for seatbelt and child restraint programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section.

(c) No State may receive grants under this section in more than three fiscal years. The Federal share payable for any grant under this section shall not exceed—

(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the seatbelt and child restraint program adopted by the State pursuant to subsection (a) of this section;

(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

(3) in the third fiscal year the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

(d) Subject to subsection (c), the amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) of this section shall equal 20 percent of the amount apportioned to such State for fiscal year 1991 under section 402.

(e) A State is eligible for a grant under this section if such State—

(1) has in force and effect a law requiring all front seat occupants of a passenger car to use seatbelts;

(2) has achieved—

(A) in the year immediately preceding a first-year grant, the lesser of either (i) 70 percent seatbelt use by all front seat occupants of passenger cars in the State or (ii) a rate of seatbelt use by all such occupants that is 20 percentage points higher than the rate achieved in 1990;

(B) in the year immediately preceding a second-year grant, the lesser of either (i) 80 percent seatbelt use by all such occupants or (ii) the rate of seatbelt use by all such occupants that is 35 percentage points higher than the rate achieved in 1990; and

(C) in the year immediately preceding a third-year grant, the lesser of either (i) 90 percent seatbelt use by all such occupants or (ii) the rate of seatbelt use by all such occupants that is 45 percentage points higher than the rate achieved in 1990; and

(3) has in force and effect an effective program, as determined by the secretary, for encouraging the correct use of child restraint systems.

(f) As used in this section, the term "child restraint system" has the meaning given such term in section 571.213 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(g) There are authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, to carry out this section, $10,000,000 for the fiscal year 1991, and $20,000,000 for each of the fiscal years 1992 and 1993.

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